

2011 DRAFTING REQUEST

Bill

Received: **01/31/2011**

Received By: **chanaman**

Wanted: **As time permits**

Companion to LRB:

For: **Administration-Budget**

By/Representing: **Thornton**

May Contact:

Drafter: **chanaman**

Subject: **State Govt - procurement**

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

Requester's email:

Carbon copy (CC:) to:

Pre Topic:

DOA:.....Thornton, BB0276 -

Topic:

Eliminate cost-benefit analysis under state procurement of contractual services

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P1	chanaman	csicilia	rschluet	_____	mbarman		State
	01/31/2011	02/02/2011	02/02/2011	_____	02/02/2011		
	chanaman	csicilia		_____			
	02/03/2011	02/07/2011		_____			
/P2	chanaman	csicilia	mduchek	_____	sbasford		State
	02/15/2011	02/15/2011	02/07/2011	_____	02/07/2011		
/P3			rschluet	_____	lparisi		State
			02/15/2011	_____	02/15/2011		

FE Sent For:

<END>

2011 DRAFTING REQUEST

Bill

Received: **01/31/2011**

Received By: **chanaman**

Wanted: **As time permits**

Companion to LRB:

For: **Administration-Budget**

By/Representing: **Thornton**

May Contact:

Drafter: **chanaman**

Subject: **State Govt - procurement**

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

Requester's email:

Carbon copy (CC:) to:

Pre Topic:

DOA:.....Thornton, BB0276 -

Topic:

Eliminate cost-benefit analysis under state procurement of contractual services

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P1	chanaman 01/31/2011	csicilia 02/02/2011	rschluet 02/02/2011	_____	mbarman 02/02/2011		State
	chanaman 02/03/2011	csicilia 02/07/2011		_____			
/P2			mduchek 02/07/2011	_____	sbasford 02/07/2011		State

Handwritten notes:
P3 g's 2/15
2511
[Signature]

FE Sent For:

<END>

2011 DRAFTING REQUEST

Bill

Received: **01/31/2011**

Received By: **chanaman**

Wanted: **As time permits**

Companion to LRB:

For: **Administration-Budget**

By/Representing: **Thornton**

May Contact:

Drafter: **chanaman**

Subject: **State Govt - procurement**

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

Requester's email:

Carbon copy (CC:) to:

Pre Topic:

DOA:.....Thornton, BB0276 -

Topic:

Eliminate cost-benefit analysis under state procurement of contractual services

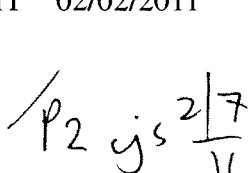

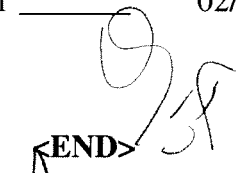
Instructions:


See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P1	chanaman 01/31/2011	csicilia 02/02/2011	rschluet 02/02/2011	_____	mbarman 02/02/2011		State

FE Sent For:



<END>

2011 DRAFTING REQUEST

Bill

Received: **01/31/2011**

Received By: **chanaman**

Wanted: **As time permits**

Companion to LRB:

For: **Administration-Budget**

By/Representing: **Thornton**

May Contact:

Drafter: **chanaman**

Subject: **State Govt - procurement**

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

Requester's email:

Carbon copy (CC:) to:

Pre Topic:

DOA:.....Thornton, BB0276 -


Topic:

Eliminate cost-benefit analysis under state procurement of contractual services

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P1	chanaman	p1 js 2/2 11		==			

FE Sent For:

<END>

Hanaman, Cathlene

From: DOADLBASADMININTERNETSHAREPOINT@WI.GOV

Sent: Sunday, January 30, 2011 12:01 PM

To: Hanaman, Cathlene

Cc: Hetzel, Shayna - DOA; Thornton, Scott - DOA; Thornton, Scott - DOA

Subject: Statutory Language Drafting Request

Topic: Eliminate Cost Benefit Analysis Requirement for Contractual Services

Tracking Code: BB0276

SBO Team: ITPS

SBO Analyst: Thornton, Scott - DOA

Phone: (608) 266-5051

E-mail: Scott.Thornton@wisconsin.gov

Agency Acronym: DOA

Agency Number: 505

Priority: Medium

Intent:

Eliminate the cost-benefit analysis requirements under 16.705(2) and (3)

Attachments: False



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-1252/P1

CMH:.....

Cjs

DOA:.....Thornton, BB0276 - Eliminate cost-benefit analysis under state procurement of contractual services

FOR 2011-13 BUDGET -- NOT READY FOR INTRODUCTION

SAW

do NOT go

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT

OTHER STATE GOVERNMENT

Under current law if an agency is purchasing contractual services, or is renewing contractual services, that involve an estimated expenditure of more than \$25,000, the agency must conduct either a uniform cost-benefit analysis, for a new contract, or a continued appropriateness review, to renew a contract. This bill eliminates the requirement that an agency conduct either a uniform cost-benefit analysis or a continued appropriateness review.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

2 SECTION 1. 16.70 (3g) of the statutes is renumbered 84.01 (13) (a) and amended
3 to read:

4

1 84.01 (13) (a) ~~“Cost-benefit~~ In this subsection, “cost-benefit analysis” means
2 a comprehensive study to identify and compare the total cost, quality, technical
3 expertise, and timeliness of a service performed by state employees and resources
4 with the total cost, quality, technical expertise, and timeliness of the same service
5 obtained by means of a contract for contractual services.

History: 1971 c. 164; 1975 c. 41 s. 52; 1977 c. 29; 1979 c. 34, 221; 1983 a. 27, 106; 1985 a. 29 ss. 122a to 122f, 3200 (1); 1987 a. 292, 399; 1989 a. 335; 1991 a. 39, 189; 1993 a. 263, 399; 1995 a. 27, 56; 1997 a. 27; 1999 a. 65, 167; 2001 a. 16, 38; 2003 a. 33; 2005 a. 74, 89, 335; 2007 a. 20, 97; 2009 a. 28.

6 **SECTION 2.** 16.705 (2) of the statutes is amended to read:

7 16.705 (2) The department shall promulgate rules for the procurement of
8 contractual services by the department and its designated agents, including but not
9 limited to rules prescribing approval and monitoring processes for contractual
10 service contracts, ~~a requirement for agencies to conduct a uniform cost-benefit~~
11 ~~analysis of each proposed contractual service procurement involving an estimated~~
12 ~~expenditure of more than \$25,000 in accordance with standards prescribed in the~~
13 ~~rules, and a requirement for agencies to review periodically, and before any renewal,~~
14 ~~the continued appropriateness of contracting under each contractual services~~
15 ~~agreement involving an estimated expenditure of more than \$25,000.~~ Each officer
16 requesting approval to engage any person to perform contractual services shall
17 submit to the department written justification for such contracting which shall
18 include a description of the contractual services to be procured, justification of need,
19 justification for not contracting with other agencies, a specific description of the
20 scope of contractual services to be performed, and justification for the procurement
21 process if a process other than competitive bidding is to be used. The department
22 may not approve any contract for contractual services unless it is satisfied that the

1 justification for contracting conforms to the requirements of this section and ss. 16.71
2 to 16.77.

History: 1977 c. 196 s. 31; Stats. 1977 s. 16.705; 1981 c. 20; 1983 a. 27; 1985 a. 29 s. 3200 (1); 1985 a. 332 s. 251 (1); 1987 a. 186; 1989 a. 125; 1999 a. 105; 2003 a. 33 ss. 201, 9160; 2005 a. 89, 142, 431; 2009 a. 28, 136.

3 **SECTION 3.** 16.705 (8) (intro.) and (b) of the statutes are consolidated,
4 renumbered 16.705 (8) and amended to read:

5 16.705 (8) (intro.) The department shall, annually on or before October 15,
6 submit to the governor, the joint committee on finance, the joint legislative audit
7 committee and the chief clerk of each house of the legislature for distribution to the
8 appropriate standing committees under s. 13.172 (3), a report concerning the
9 number, value and nature of contractual service procurements authorized for each
10 agency during the preceding fiscal year. The report shall also include, with respect
11 to contractual service procurements by agencies for the preceding fiscal year:—(b)
12 Recommendations⁵ recommendations for elimination of unneeded contractual
13 service procurements and for consolidation or resolicitation of existing contractual
14 service procurements.

History: 1977 c. 196 s. 31; Stats. 1977 s. 16.705; 1981 c. 20; 1983 a. 27; 1985 a. 29 s. 3200 (1); 1985 a. 332 s. 251 (1); 1987 a. 186; 1989 a. 125; 1999 a. 105; 2003 a. 33 ss. 201, 9160; 2005 a. 89, 142, 431; 2009 a. 28, 136.

15 **SECTION 4.** 16.705 (8) (a) of the statutes is repealed.

16 **SECTION 5.** 84.01 (13) of the statutes is renumbered 84.01 (13) (b) and amended
17 to read:

18 84.01 (13) (b) The department may engage such engineering, consulting,
19 surveying, or other specialized services as it deems advisable. Any engagement of
20 services under this subsection is exempt from ss. 16.70 to 16.75, 16.755 to 16.82, and
21 16.85 to 16.89, but ss. 16.528, 16.752, 16.753, and 16.754 apply to such engagement.
22 Any engagement involving an expenditure of \$3,000 or more shall be by formal
23 contract approved by the governor. The department shall conduct a uniform

1 cost-benefit analysis, as defined in s. 16.70 (3g), of each proposed engagement under
2 this subsection that involves an estimated expenditure of more than \$25,000 in
3 accordance with standards prescribed by rule of the department. The department
4 shall review periodically, and before any renewal, the continued appropriateness of
5 contracting pursuant to each engagement under this subsection that involves an
6 estimated expenditure of more than \$25,000.

7 ~~Cross-reference: Cross-reference: Cross-reference: See also ch. Trans 515, Wis. adm. code. Cross-reference:~~

~~History: 1971 c. 40, 128; 1973 c. 12; 1973 c. 243 s. 32; 1975 c. 189; 1977 c. 29 ss. 918 to 924, 1654 (1), (3) (a), (b); 1656 (43); 1977 c. 190, 272; 1979 c. 221, 314; 1981 c. 346 s. 38; 1983 a. 27, 130; 1985 a. 29, 300; 1987 a. 27; 1989 a. 31, 125, 345; 1993 a. 246; 1995 a. 225, 338; 1997 a. 27, 106; 1999 a. 9; 2001 a. 16; 2005 a. 25, 89, 392, 410; 2007 a. 20, 97, 125; 2009 a. 28.~~

8 (END)



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-1252/P1
CMH:cjs:rs

Stays

DOA:.....Thornton, BB0276 - Eliminate cost-benefit analysis under state procurement of contractual services

FOR 2011-13 BUDGET -- NOT READY FOR INTRODUCTION

do NOT gen
now gen cut

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT

OTHER STATE GOVERNMENT

Under current law if an agency is purchasing contractual services, or is renewing contractual services, that involve an estimated expenditure of more than \$25,000, the agency must conduct either a uniform cost-benefit analysis, for a new contract, or a continued appropriateness review, to renew a contract. This bill eliminates the requirement that an agency conduct either a uniform cost-benefit analysis or a continued appropriateness review.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

2 SECTION 1. 16.70 (3g) of the statutes is renumbered 84.01 (13) (a) and amended
3 to read:

1 84.01 (13) (a) ~~“Cost-benefit~~ In this subsection, “cost-benefit analysis” means
2 a comprehensive study to identify and compare the total cost, quality, technical
3 expertise, and timeliness of a service performed by state employees and resources
4 with the total cost, quality, technical expertise, and timeliness of the same service
5 obtained by means of a contract for contractual services.

6 **SECTION 2.** 16.705 (2) of the statutes is amended to read:

7 16.705 (2) The department shall promulgate rules for the procurement of
8 contractual services by the department and its designated agents, including but not
9 limited to rules prescribing approval and monitoring processes for contractual
10 service contracts, ~~a requirement for agencies to conduct a uniform cost-benefit~~
11 ~~analysis of each proposed contractual service procurement involving an estimated~~
12 ~~expenditure of more than \$25,000 in accordance with standards prescribed in the~~
13 ~~rules, and a requirement for agencies to review periodically, and before any renewal,~~
14 ~~the continued appropriateness of contracting under each contractual services~~
15 ~~agreement involving an estimated expenditure of more than \$25,000.~~ Each officer
16 requesting approval to engage any person to perform contractual services shall
17 submit to the department written justification for such contracting which shall
18 include a description of the contractual services to be procured, justification of need,
19 justification for not contracting with other agencies, a specific description of the
20 scope of contractual services to be performed, and justification for the procurement
21 process if a process other than competitive bidding is to be used. The department
22 may not approve any contract for contractual services unless it is satisfied that the
23 justification for contracting conforms to the requirements of this section and ss. 16.71
24 to 16.77.

1 **SECTION 3.** 16.705 (8) (intro.) and (b) of the statutes are consolidated,
2 renumbered 16.705 (8) and amended to read:

3 16.705 (8) The department shall, annually on or before October 15, submit to
4 the governor, the joint committee on finance, the joint legislative audit committee
5 and the chief clerk of each house of the legislature for distribution to the appropriate
6 standing committees under s. 13.172 (3), a report concerning the number, value and
7 nature of contractual service procurements authorized for each agency during the
8 preceding fiscal year. The report shall also include, with respect to contractual
9 service procurements by agencies for the preceding fiscal year:—(b)
10 ~~Recommendations,~~ recommendations for elimination of unneeded contractual
11 service procurements and for consolidation or resolicitation of existing contractual
12 service procurements.

13 **SECTION 4.** 16.705 (8) (a) of the statutes is repealed.

14 **SECTION 5.** 84.01 (13) of the statutes is renumbered 84.01 (13) (b) and amended
15 to read:

16 84.01 (13) (b) The department may engage such engineering, consulting,
17 surveying, or other specialized services as it deems advisable. Any engagement of
18 services under this subsection is exempt from ss. 16.70 to 16.75, 16.755 to 16.82, and
19 16.85 to 16.89, but ss. 16.528, 16.752, 16.753, and 16.754 apply to such engagement.
20 Any engagement involving an expenditure of \$3,000 or more shall be by formal
21 contract approved by the governor. The department shall conduct a uniform
22 cost-benefit analysis, ~~as defined in s. 16.70 (3g),~~ of each proposed engagement under
23 this subsection that involves an estimated expenditure of more than \$25,000 in
24 accordance with standards prescribed by rule of the department. The department
25 shall review periodically, and before any renewal, the continued appropriateness of

1 contracting pursuant to each engagement under this subsection that involves an
2 estimated expenditure of more than \$25,000.

3 (END)

**2011-2012 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1252/Plins
CMH:cjs:rs

1 Insert A

Under current law, DOA must approve and monitor contractual services that agencies purchase. No agency may purchase contractual services that involve an estimated expenditure of more than \$25,000 without first conducting a uniform cost-benefit analysis. Also, each agency entering into a contract must submit to DOA written justification for the contract, and DOA must be satisfied that the justification conforms to current law before it can approve the contract. In addition, the office of state employment relations must review contracts to do all of the following: ensure that the purchasing agency properly uses the services of state employees; evaluate the feasibility of using limited term appointments prior to entering into a contract for contractual services; and ensure that the contract ~~is not~~ *does not* conflict with any collective bargaining agreement covering state employees. This bill repeals these provisions.

2

3 Insert 2-24

4 **SECTION 1.** 16.705 (2) of the statutes is repealed. X

5 **SECTION 2.** 16.705 (3) of the statutes is repealed. X

6

7 Insert 3-14

8 **SECTION 3.** 16.75 (6) (bm) of the statutes is amended to read:

9 16.75 **(6)** (bm) If the secretary determines that it is in the best interest of this
10 state to do so, he or she may waive any requirement under subs. (1) to (5) and ss.
11 16.705 (1) ~~and (2) to, (5), (6), (7), and~~ (8) and 16.72 (2) (e) and (f) and (5) with respect
12 to any contract entered into by the department of children and families under s.
13 49.143, if the department of children and families presents the secretary with a
14 process for the procurement of contracts under s. 49.143 and the secretary approves
15 the process. ✓

History: 1975 c. 224; 1977 c. 418, 419; 1979 c. 34, 221, 314, 340, 355; 1979 c. 361 s. 112; 1981 c. 121 s. 20; 1983 a. 27 ss. 91, 93 to 99; 1983 a. 333 ss. 3g, 3r to 4b, 6; 1983 a. 368, 390; 1985 a. 29 ss. 122m to 124, 3200 (1); 1985 a. 180; 1987 a. 27, 119, 142, 147, 186, 399, 403; 1989 a. 31, 335, 345, 359; 1991 a. 39, 170; 1993 a. 16, 414; 1995 a. 27 ss. 368 to 382, 9116 (5); 1995 a. 225, 227, 244, 289, 432; 1997 a. 3; 1999 a. 9, 44, 197; 2001 a. 16, 38; 2003 a. 33; 2005 a. 22, 25, 74, 141, 335; 2007 a. 20 ss. 102 to 103h, 9121 (6) (a); 2007 a. 97; 2009 a. 136, 180, 299; s. 13.92 (1) (bm) 2.

Hanaman, Cathlene

From: Thornton, Scott - DOA [scott.thornton@wisconsin.gov]

Sent: Monday, February 14, 2011 6:39 PM

To: Hanaman, Cathlene

Subject: Requested Modification to 1252/P2

Cathlene -

Please also repeal all of 16.705(8) in the draft to eliminate the cost-benefit analysis. The State Bureau of Procurement indicates that the information reported would only be collected if the cost-benefit analyses were performed.

Please let me know if you have any questions.

Thanks,

Scott

Scott B. Thornton
Policy Initiatives Advisor - Administrative
State Budget Office
Wisconsin Department of Administration
(608) 266-5051
scott.thornton@wi.gov

2/15/2011



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-1252/P2

CMH:cjs:md

stays

DOA:.....Thornton, BB0276 - Eliminate cost-benefit analysis under state procurement of contractual services

FOR 2011-13 BUDGET -- NOT READY FOR INTRODUCTION

do Not go
down

1 AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT

OTHER STATE GOVERNMENT

Under current law, DOA must approve and monitor contractual services that agencies purchase. No agency may purchase contractual services that involve an estimated expenditure of more than \$25,000 without first conducting a uniform cost-benefit analysis. Also, each agency entering into a contract must submit to DOA written justification for the contract, and DOA must be satisfied that the justification conforms to current law before it can approve the contract. In addition, the Office of State Employment Relations must review contracts to do all of the following: ensure that the purchasing agency properly uses the services of state employees; evaluate the feasibility of using limited term appointments prior to entering into a contract for contractual services; and ensure that the contract does not conflict with any collective bargaining agreement covering state employees. This bill repeals these provisions.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

⑨ Section #.
RP; 16.004 (15)(bm)

SECTION 1. 16.70 (3g) of the statutes is renumbered 84.01 (13) (a) and amended to read:

84.01 (13) (a) ~~Cost-benefit~~ In this subsection, "cost-benefit analysis" means a comprehensive study to identify and compare the total cost, quality, technical expertise, and timeliness of a service performed by state employees and resources with the total cost, quality, technical expertise, and timeliness of the same service obtained by means of a contract for contractual services.

SECTION 2. 16.705 (2) of the statutes is repealed.

SECTION 3. 16.705 (3) of the statutes is repealed.

SECTION 4. 16.705 (8) (intro.) and (b) of the statutes are consolidated,

please fix component → ~~renumbered 16.705 (8) and amended to read:~~

~~16.705 (8) The department shall, annually on or before October 15, submit to the governor, the joint committee on finance, the joint legislative audit committee and the chief clerk of each house of the legislature for distribution to the appropriate standing committees under s. 13.172 (3), a report concerning the number, value and nature of contractual service procurements authorized for each agency during the preceding fiscal year. The report shall also include, with respect to contractual service procurements by agencies for the preceding fiscal year:—(b) Recommendations, recommendations for elimination of unneeded contractual service procurements and for consolidation or resolicitation of existing contractual service procurements.~~

SECTION 5. 16.705 (8) (a) of the statutes is repealed.

SECTION 6. 16.75 (6) (bm) of the statutes is amended to read:

16.75 (6) (bm) If the secretary determines that it is in the best interest of this state to do so, he or she may waive any requirement under subs. (1) to (5) and ss.

1 16.705 (1) ~~and (2) to (5), (6), (7), and (8)~~ and 16.72 (2) (e) and (f) and (5) with respect
 2 to any contract entered into by the department of children and families under s.
 3 49.143, if the department of children and families presents the secretary with a
 4 process for the procurement of contracts under s. 49.143 and the secretary approves
 5 the process.

6 **SECTION 7.** 84.01 (13) of the statutes is renumbered 84.01 (13) (b) and amended
 7 to read: ✓

8 84.01 (13) (b) The department may engage such engineering, consulting,
 9 surveying, or other specialized services as it deems advisable. Any engagement of
 10 services under this subsection is exempt from ss. 16.70 to 16.75, 16.755 to 16.82, and
 11 16.85 to 16.89, but ss. 16.528, 16.752, 16.753, and 16.754 apply to such engagement.
 12 Any engagement involving an expenditure of \$3,000 or more shall be by formal
 13 contract approved by the governor. The department shall conduct a uniform
 14 cost-benefit analysis, as defined in s. 16.70 (3g), of each proposed engagement under
 15 this subsection that involves an estimated expenditure of more than \$25,000 in
 16 accordance with standards prescribed by rule of the department. The department
 17 shall review periodically, and before any renewal, the continued appropriateness of
 18 contracting pursuant to each engagement under this subsection that involves an
 19 estimated expenditure of more than \$25,000.

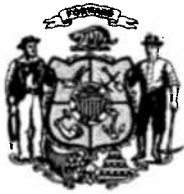
20

(END)

(P) 9301. Initial Applicability; Administration.

(P) (#) Cost benefit analyses. The treatment of sections 16.004 (15)(bm),

16.70 (3g), 16.705 (2), (3), ^{CS} and (8), 16.75 (6)(bm), and
 84.01 (13) ^{of the statutes} first applies to contracts entered into on
 the effective date of this subsection.



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-1252/P3
CMH:cjs:rs

DOA:.....Thornton, BB0276 - Eliminate cost-benefit analysis under state procurement of contractual services

FOR 2011-13 BUDGET -- NOT READY FOR INTRODUCTION

1 **AN ACT ...; relating to:** the budget.

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT

OTHER STATE GOVERNMENT

Under current law, DOA must approve and monitor contractual services that agencies purchase. No agency may purchase contractual services that involve an estimated expenditure of more than \$25,000 without first conducting a uniform cost-benefit analysis. Also, each agency entering into a contract must submit to DOA written justification for the contract, and DOA must be satisfied that the justification conforms to current law before it can approve the contract. In addition, the Office of State Employment Relations must review contracts to do all of the following: ensure that the purchasing agency properly uses the services of state employees; evaluate the feasibility of using limited term appointments prior to entering into a contract for contractual services; and ensure that the contract does not conflict with any collective bargaining agreement covering state employees. This bill repeals these provisions.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 16.004 (15) (bm) of the statutes is repealed.

SECTION 2. 16.70 (3g) of the statutes is renumbered 84.01 (13) (a) and amended to read:

84.01 (13) (a) ~~“Cost-benefit~~ In this subsection, “cost-benefit analysis” means a comprehensive study to identify and compare the total cost, quality, technical expertise, and timeliness of a service performed by state employees and resources with the total cost, quality, technical expertise, and timeliness of the same service obtained by means of a contract for contractual services.

SECTION 3. 16.705 (2) of the statutes is repealed.

SECTION 4. 16.705 (3) of the statutes is repealed.

SECTION 5. 16.705 (8) of the statutes is repealed.

SECTION 6. 16.75 (6) (bm) of the statutes is amended to read:

16.75 (6) (bm) If the secretary determines that it is in the best interest of this state to do so, he or she may waive any requirement under subs. (1) to (5) and ss. 16.705 (1) ~~and (2) to (8), (5), (6), and (7)~~ and 16.72 (2) (e) and (f) and (5) with respect to any contract entered into by the department of children and families under s. 49.143, if the department of children and families presents the secretary with a process for the procurement of contracts under s. 49.143 and the secretary approves the process.

SECTION 7. 84.01 (13) of the statutes is renumbered 84.01 (13) (b) and amended to read:

84.01 (13) (b) The department may engage such engineering, consulting, surveying, or other specialized services as it deems advisable. Any engagement of services under this subsection is exempt from ss. 16.70 to 16.75, 16.755 to 16.82, and 16.85 to 16.89, but ss. 16.528, 16.752, 16.753, and 16.754 apply to such engagement.

1 Any engagement involving an expenditure of \$3,000 or more shall be by formal
2 contract approved by the governor. The department shall conduct a uniform
3 cost-benefit analysis, ~~as defined in s. 16.70 (3g)~~, of each proposed engagement under
4 this subsection that involves an estimated expenditure of more than \$25,000 in
5 accordance with standards prescribed by rule of the department. The department
6 shall review periodically, and before any renewal, the continued appropriateness of
7 contracting pursuant to each engagement under this subsection that involves an
8 estimated expenditure of more than \$25,000.

9 **SECTION 9301. Initial applicability; Administration.**

10 (1) COST BENEFIT ANALYSES. The treatment of sections 16.004 (15) (bm), 16.70
11 (3g), 16.705 (2), (3), and (8), 16.75 (6) (bm), and 84.01 (13) of the statutes first applies
12 to contracts entered into on the effective date of this subsection.

13 (END)